

Before the
COPYRIGHT ROYALTY JUDGES
The Library of Congress

<i>In re</i> DISTRIBUTION OF CABLE ROYALTY FUNDS	CONSOLIDATED DOCKET NO. 14-CRB-0010-CD/SD (2010-13)
DISTRIBUTION OF SATELLITE ROYALTY FUNDS	
<i>In re</i> DISTRIBUTION OF SATELLITE ROYALTY FUNDS	CONSOLIDATED DOCKET NO. 14-CRB-0011-SD (2010-13)

**SETTLING DEVOTIONAL CLAIMANTS' MOTION FOR FINAL DISTRIBUTION OF
2010-13 SATELLITE ROYALTY FUNDS**

The Settling Devotional Claimants ("SDC") move pursuant to 17 U.S.C. § 801(b)(3)(A) for a final distribution of the SDC's share of copyright royalty funds allocated to the Devotional category collected for satellite royalty years 2010 through 2013, in an amount to be calculated by the Licensing Division based on a confidential allocation percentage share for the Devotional category that will be provided to the Licensing Division.

The Judges previously resolved all distribution phase controversies regarding the SDC's share of funds collected for satellite royalty years 2010 through 2013 the Judges' Final Distribution Determination, 83 Fed. Reg. 38,326 (Aug. 6, 2018), pursuant to an agreed resolution among the distribution phase parties. No party appealed the Final Distribution Determination in the Devotional category within the time permitted by 17 U.S.C. § 803(d). The SDC's distribution phase shares of satellite royalty funds allocated to the Devotional category are as follows:

SDC's Distribution Phase Shares Devotional Category	
Satellite royalty year	SDC share (percent)
2010	75.3%
2011	88.3%
2012	90.7%
2013	97.7%

The share allocated to the Devotional category has been resolved by a confidential settlement agreement, dated January 9, 2020, between all participants in the allocation phase of this proceeding. *See* Allocation Phase Parties' Notice of Allocation Phase Settlement and Motion to Cancel Hearing, No. 14-CRB-0011-SD (2010-13) (Jan. 9, 2020).

Pursuant to the allocation phase parties' confidential settlement agreement, the SDC request leave to file the confidential allocation percentage share for the Devotional category with the Licensing Division under seal, without disclosure to the Judges. The allocation phase parties have agreed that the allocation percentage shares are non-precedential and do not reflect any agreement among the parties concerning the relative shares that would or should have been awarded in any final determination by the Judges or any underlying principle or methodology for the distribution of the royalty funds related to the shares to be disclosed.

The SDC have made the Judges aware of certain issues relating to Multigroup Claimants' identity and authority to receive distribution of funds. *See* SDC's Motion for Order to Show Cause Why Multigroup Claimants Should Not Be Disqualified as an Agent to Receive Funds on Behalf of Claimants, 14-CRB-0010-CD/SD (2010-13) (Dec. 26, 2019). Resolution of these issues will have no effect on the size of the Devotional fund or of the fund for any other claimant category, all of which have been resolved by settlement among all allocation phase participants. Nor will it have any effect on the SDC's share of the Devotional fund, which has been resolved

by the Judges. The SDC's share, therefore, should be finally distributed without regard to any issues affecting Multigroup Claimants' status in these proceeding.

Conclusion

Accordingly, the SDC request the Judges to order final distribution of the SDC's share of satellite royalty fees collected for royalty years 2010 through 2013 that have been allocated to the Devotional category, in accordance with the allocation phase parties' agreed allocation.

Date: January 9, 2020

Respectfully submitted,

/s/ Matthew J. MacLean

Matthew J. MacLean (DC Bar No. 479257)

Matthew.MacLean@pillsburylaw.com

Michael A. Warley (DC Bar No. 1028686)

Michael.Warley@pillsburylaw.com

Jessica T. Nyman (D.C. Bar No. 1030613)

Jessica.Nyman@pillsburylaw.com

PILLSBURY WINTHROP SHAW PITTMAN LLP

1200 Seventeenth Street, NW

Washington DC 20036

Tel: (202) 663-8183

Fax: (202) 663-8007

Arnold P. Lutzker (DC Bar No. 108106)

Arnie@lutzker.com

Benjamin Sternberg (DC Bar No. 1016576)

Ben@lutzker.com

LUTZKER & LUTZKER LLP

1233 20th Street, NW, Suite 703

Washington DC 20036

Tel: (202) 408-7600

Fax: (202) 408-7677

Counsel for Settling Devotional Claimants

Certificate of Service

I certify that on January 9, 2020, I caused the foregoing to be served on all parties by filing through the eCRB system.

/s/ Matthew J. MacLean
Matthew J. MacLean

Proof of Delivery

I hereby certify that on Thursday, January 09, 2020, I provided a true and correct copy of the Motion for Final Distribution of 2010-13 Satellite Royalty Funds to the following:

MPA-represented Program Suppliers, represented by Lucy H Plovnick, served via Electronic Service at lhp@msk.com

Spanish Language Producers, represented by Brian D Boydston, served via Electronic Service at brianb@ix.netcom.com

Broadcast Music, Inc., represented by Jennifer T. Criss, served via Electronic Service at jennifer.criss@dbr.com

Multigroup Claimants, represented by Brian D Boydston, served via Electronic Service at brianb@ix.netcom.com

SESAC Performing Rights, LLC, represented by Christos P Badavas, served via Electronic Service at cbadavas@sesac.com

Major League Soccer, LLC, represented by Edward S. Hammerman, served via Electronic Service at ted@copyrightroyalties.com

Broadcaster Claimants Group (CTV), represented by John Stewart, served via Electronic Service at jstewart@crowell.com

Joint Sports Claimants, represented by Rosemary Szanyi, served via Email

Signed: /s/ Matthew J MacLean